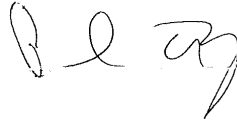


KANE, PUGH, KNOELL, TROY & KRAMER, LLP

A handwritten signature in black ink, appearing to read 'P. C. Troy', is written above a horizontal line.

BY: _____

PAUL C. TROY, ESQUIRE

Attorney for Defendant Wayne A. Ely, Esquire

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MONTIA CRAWFORD and
ANDREA CRAWFORD,

Plaintiffs,

V.

TIMOTHY KOLMAN, ESQUIRE d/b/a
KOLMAN LLC, P.C.;
WAYNE ELY, ESQUIRE d/b/a
KOLMAN ELY, P.C.;
THE LAW OFFICES OF WAYNE ELY
f/d/a KOLMAN ELY LLC f/d/a
KOLMAN ELY, P.C.;
KOLMAN LLC, P.C. f/d/a KOLMAN ELY LLC
f/d/a KOLMAN ELY P.C.;
KOLMAN ELY LLC f/d/a KOLMAN ELY P.C.;
KOLMAN ELY P.C.

Defendants.

CIVIL ACTION NO.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant, Wayne A. Ely, Esquire (“Attorney Ely”), expressly reserving all rights otherwise to respond to this lawsuit, hereby removes the above-captioned case, which was filed in the Philadelphia County Court of Common Pleas, Case No. 220302761 (the “State Court Action”), to the United States District Court for the Eastern District of Pennsylvania. This case is removable because there is complete diversity of citizenship between the parties and more than \$75,000 is in controversy, excluding interest and costs. As grounds for removal, Attorney Ely avers as follows:

A. Facts and Parties

1. Plaintiffs commenced the State Court Action by filing a Praecipe for Writ of Summons on March 28, 2021, in the Court of Common Pleas for Philadelphia County. *See* Exhibit “A,” Praecipe for Writ of Summons; *see also* Exhibit “B,” Civil Cover Sheet.

2. On June 7, 2022, Attorney Ely and his firm were served with copies of the Writ of Summons. *See* Exhibits “C” & “D,” Original Process.

3. To date, Plaintiffs have not filed a Complaint in the State Court Action.

4. Plaintiffs’ Civil Cover Sheet states that this lawsuit is a legal professional liability matter. *See* Ex. B.

5. The Civil Cover Sheet also states that there is more than \$50,000 in controversy in the State Court Action.

6. Generally, the State Court Action arises out of a civil rights lawsuit, brought on behalf of the Estate of Monty Crawford, a prisoner who died while in custody in Allegheny County Jail. *See Crawford v. Corizon Health, Inc., et al.*, W.D. Pa. Civ. Action No. 17-113 (the “Underlying Case”).

7. Andrea Crawford, as administratrix of the Estate of Monty Crawford, brought claims under 42 U.S.C. § 1983 for alleged Eighth Amendment violations against, *inter alia*, corporations and persons who provided healthcare services to Monty Crawford and other inmates at Allegheny County Jail. *See* Exhibit “E,” Federal Complaint.

8. Ms. Crawford alleged that the defendants were deliberately indifferent to Monty Crawford’s psychiatric needs, which led to Mr. Crawford committing suicide while in custody on or about May 21, 2015. *Id.*

9. As required by 28 U.S.C. § 1446(a), Attorney Ely has attached to this Notice of Removal as Exhibits A through D “a copy of all process, pleadings, and orders served upon” him and his firm in the State Court Action.

10. A copy of the Docket in the State Court Action is attached hereto as Exhibit “F.”

11. As set forth more fully below, this case is properly removed to the Court pursuant to 28 U.S.C. § 1441, because Attorney Ely has satisfied the procedural requirements for removal and this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332.

B. Diversity of Citizenship is Satisfied

12. For diversity purposes, an individual is a citizen of the state in which he is domiciled. 28 U.S.C. § 1332.

13. A corporation is deemed a citizen of its state of incorporation and of the state where it has its principal place of business. 28 U.S.C. § 1332(c).

14. The citizenship of an unincorporated association is determined by the citizenship of its members. *See, e.g., SodexoMAGIC, LLC v. Drexel Univ.*, 24 F.4th 183, 202 (3d Cir. 2022) (citing *Zambelli Fireworks Mfg. Co. v. Wood*, 592 F.3d 412, 420 (3d Cir. 2010)).

15. Where a partnership or limited liability company has, as one of its members, another limited liability company or partnership, “the citizenship of unincorporated associations must be traced through however many layers of partners or members there may be” to determine the citizenship of the entity in question. *Zambelli Fireworks Mfg. Co.*, 592 F.3d at 420 (citing *Hart v. Terminex Int’l*, 336 F.3d 541, 543 (7th Cir. 2003)).

16. Here, complete diversity exists between the parties.

i. Citizenship of Plaintiffs

17. According to the Writ of Summons, Plaintiff, Montia Crawford, is a citizen of the State of Colorado. Ex. A, Writ of Summons.

18. According to the Writ of Summons, Plaintiff, Andrea Crawford, is a citizen of the State of Colorado. *Id.*

ii. Citizenship of Defendants

19. Attorney Ely is a practicing attorney and citizen of the Commonwealth of Pennsylvania, who practices under the fictitious name “The Law Offices of Wayne Ely.”

20. Co-Defendant Timothy M. Kolman, Esquire (“Attorney Kolman”) is a practicing attorney and citizen of the Commonwealth of Pennsylvania.

21. Attorney Ely and Attorney Kolman were members of a now-defunct limited liability company, Kolman Ely, LLC, which was organized under the laws of the Commonwealth of Pennsylvania.

22. While it was in existence, Kolman Ely, LLC’s sole members were citizens of the Commonwealth of Pennsylvania.

23. Accordingly, at all times, Kolman Ely, LLC was a citizen of the Commonwealth of Pennsylvania.

24. After Kolman Ely, LLC was dissolved, Attorney Ely and Attorney Kolman were members of Kolman Ely, P.C., a professional corporation organized under the laws of the Commonwealth of Pennsylvania, with its primary and principal place of business in Penndel, Bucks County, Pennsylvania.

25. Upon information and belief, the remaining defendants named in Plaintiffs’ Writ of Summons are fictitious names or, alternatively, never existed.

26. Thus, there exists complete diversity between the parties.

C. The Amount in Controversy Requirement is Satisfied

27. The amount in controversy requirement also is satisfied. 28 U.S.C. § 1332.

28. Under 28 U.S.C. § 1332(a), in a case where federal jurisdiction is based upon diversity of citizenship, the amount in controversy must exceed \$75,000, exclusive of costs and interest.

29. Where, such as here, the pleading does not specify the amount of damages sought, “a defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owen*, 574 U.S. 81, 83 (2014).

30. As the instant case is a legal malpractice matter, the Court may review the claims brought in the Underlying Case in determining the amount in controversy. *See* Ex. E.

31. As discussed *supra*, the Underlying Case arose out of Mr. Crawford’s death while in state custody. *Id.*

32. The Complaint in the Underlying Case named 28 defendants, as well as dozens of unknown defendants. *Id.*

33. In the Underlying Case, Plaintiffs sought compensatory damages, punitive damages and attorneys’ fees from the defendants. *Id.*; *see Packard v. Provident Nat’l Bank*, 994 F.2d 1039, 1046 (3d Cir. 1993) (for purposes of determining if the amount in controversy exceeds the jurisdictional threshold, claims for punitive damages may be aggregated with claims for compensatory damages unless the former are “patently frivolous and without foundation.”) (internal quotations omitted).

34. A review of the allegations in the Underlying Case demonstrates that there is more than \$75,000 in controversy between Plaintiffs and Defendants in this legal malpractice matter.

35. Accordingly, the amount in controversy requirement is satisfied, rendering this matter properly removable pursuant to 28 U.S.C. §§ 1332 and 1441(b).

D. Procedural Requirements for Removal

36. While all defendants are citizens of the Commonwealth of Pennsylvania, the Forum Defendant Rule is not implicated by the circumstances of this case.

37. As no complaint has been filed in this matter, no defendant has been “properly joined and served” for purposes of the Forum Defendant Rule. *See McLaughlin v. Bayer Essure, Inc.*, Civ. Action No. 14-7315, 2019 U.S. Dist. LEXIS 88213 *14-17, 2019 WL 2248690 (E.D. Pa. May 24, 2019) (holding that, when a writ of summons has been filed and served, but the plaintiff has not yet served a complaint, the presence of a forum defendant will not defeat removal).

38. The Third Circuit has held that the “plain meaning [of the Forum Defendant Rule] precludes removal on the basis of in-state citizenship *only* when the defendant has been properly joined and served.” *Encompass Ins. Co. v. Stone Mansion Rest. Inc.*, 902 F.3d 147, 152 (3d Cir. 2018) (emphasis supplied), *reh’g denied* (Sept. 17, 2018).

39. Therefore, a defendant may use “pre-service machinations to remove a case that it otherwise could not” by effectuating removal prior to being served. *Id.* at 154; *see also McLaughlin, supra* (permitting removal by a forum defendant that had been served with a writ of summons, but not a complaint).

40. Here, because Plaintiffs have not served a Complaint, no defendant has been “properly joined and served,” in the State Court Action, such that removal is proper.

41. This action is properly removed from the State Court to this Court under 28 U.S.C. § 1441, because this Court has original jurisdiction over this action under 28 U.S.C. § 1332 and this Notice of Removal meets the requirements of 28 U.S.C. § 1446.

42. This action is being removed to the United States District Court for the Eastern District of Pennsylvania, as the “district court for the district and division embracing the place where such action is pending,” *i.e.* Philadelphia County, Pennsylvania. 28 U.S.C. § 1441(a).

43. Attorney Ely, as the removing defendant, will file this Notice of Removal with the Clerk of the Philadelphia County Court of Common Pleas, Pennsylvania, pursuant to 28 U.S.C. § 1446(d).

E. Pleadings in the State Court Action

44. In accordance with 28 U.S.C. § 1446(a), attached to this Notice of Removal are a copy of all process, pleadings and orders served upon Attorney Ely in the State Court Action.

WHEREFORE, Defendant, Wayne A. Ely, Esquire hereby removes this case to the United States District Court for the Eastern District of Pennsylvania, respectfully requests that no further pleadings be held in the Philadelphia County Court of Common Pleas, and requests such other relief that this Court deems just and proper.

KANE, PUGH, KNOELL, TROY & KRAMER, LLP

Date: 6/15/2022

BY: /s/ Paul C. Troy
PAUL C. TROY, ESQUIRE
THOMAS J. ZIMMERMAN, ESQUIRE
Attorney I.D. Nos. 60875 / 316288
510 Swede Street
Norristown, PA 19401-4886
(T) 610-275-2000
(F) 610-275-2018
ptroy@kanepugh.com
tzimmerman@kanepugh.com
Counsel for Defendant,
Wayne A. Ely, Esquire

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Montia Crawford and Andrea Crawford

(b) County of Residence of First Listed Plaintiff Adams County, CO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Gary Schafkopf, Esquire, Schafkopf Law, LLC, 11 Bala Avenue, Bala Cynwyd, PA 19004; 610-664-5200

DEFENDANTS

Timothy Kolman, Esquire; Wayne Ely, Esquire; The Law Offices of Wayne Ely, Kolman LLC, PC, Kolman Ely, LLC +

County of Residence of First Listed Defendant Bucks County, PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Paul C. Troy, Esquire, Kane Pugh Knoell Troy & Kramer, LLP, 510 Swede Street, Norristown, PA 19401, 610-275-2000 +

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. Sections 1332, 1441 & 1446

VI. CAUSE OF ACTION

Brief description of cause:

Legal malpractice case, involving underlying claims brought under 42 U.S.C. Section 1983

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

6/15/2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ Paul C. Troy, Esquire

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 1588 Lima Street, Apt. L-304, Aurora, Co 80010

Address of Defendant: 225 Lincoln Highway, Building A, Suite 150, Fairless Hills, PA 19030

Place of Accident, Incident or Transaction: _____

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☐ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: _____ /s/ Paul C. Troy
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Patent
☐ 6. Labor-Management Relations
☐ 7. Civil Rights
☐ 8. Habeas Corpus
☐ 9. Securities Act(s) Cases
☐ 10. Social Security Review Cases
☐ 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (Please specify): _____
☐ 7. Products Liability
☐ 8. Products Liability – Asbestos
☐ 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____ /s/ Paul C. Troy
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Montia Crawford and Andrea Crawford : CIVIL ACTION

v. :

Timothy Kolman, Esquire d/b/a : NO.
Kolman LLC, P.C., et al.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>6/15/2022</u>	<u>/s/ Paul C. Troy</u>	<u>Defendant Wayne A. Ely, Esquire</u>
Date	Attorney-at-law	Attorney for
<u>610-275-2000</u>	<u>610-275-2018</u>	<u>ptroy@kanepugh.com</u>
Telephone	FAX Number	E-Mail Address